

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, September 15, 2021

Hearing Room 1539

11:00 AM
2:00-00000

Chapter 0

**#0.00 All hearings scheduled for today will be conducted remotely,
using ZoomGov video and audio.**

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Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>

ZoomGov meeting number: 161 6109 0855

Password: 148508

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Docket 0

Courtroom Deputy:

**United States Bankruptcy Court
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CONT...

Chapter 0

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
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2:21-16584 Dora Elizabeth Perez

Chapter 7

#100.00 Order to Show Cause For Failure to Comply with 11 U.S.C. Section 109(h) (BNC) re: Debtor's Certificate of Credit Counseling is Expired - taken on 1/9/2020

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Debtor has now filed a new certificate of credit counseling, but that certificate reflects that counseling occurred post-petition, and debtor has not requested or obtained an exemption from *prepetition* credit counseling requirement. As debtor did not complete credit counseling within the 180 days *before* the commencement of the bankruptcy case, debtor is not eligible to be a debtor in this bankruptcy case. Court does not have the authority to create an exception to this rule for inadvertence. Code section includes only very limited specific exceptions. Court lacks discretion to invent new exceptions.

Dismiss case. (Nothing precludes this debtor from refiling, but new filing would be debtor's second bankruptcy case within a year, meaning that automatic stay will terminate within 30 days unless debtor moves for and obtains an extension.)

Party Information

Debtor(s):

Dora Elizabeth Perez

Represented By
Lauren M Foley

Trustee(s):

John J Menchaca (TR)

Pro Se

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11:00 AM

2:21-14275 Gregory M. Mendoza

Chapter 7

#101.00 Reaffirmation Agreement Between Debtor and TD Auto Finance LLC (2017 Chevrolet Tahoe)

FR. 7-15-21

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Is debtor driving the vehicle? If not, who is? Is original contract being modified in any way to benefit the debtor? Is debtor current on the payments? Will the debtor be able to remain current on the payments? Hearing required.

Party Information

Debtor(s):

Gregory M. Mendoza

Represented By
R Grace Rodriguez

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
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11:00 AM

2:21-12888 Maria Elena Gonzalez-Deleon

Chapter 7

#102.00 Debtor's Motion to Convert Case From Chapter 7 to 13

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The Supreme Court made clear in Marrama that the right to convert to chapter 13 is not absolute. Debtor can only convert to chapter 13 if the debtor is eligible to be a debtor under chapter 13 and should not be permitted to convert if request for conversion is not in good faith, as debtor will not be able to confirm chapter 13 plan if she is not acting in good faith.

The only purpose for the conversion request is to prevent the trustee from selling the Lindsay Property, which has sufficient equity to permit payment in full of unsecured creditors. Neither debtor nor her nonfiling spouse has any disposable income with which to fund a plan. Debtor claims that the property in question really belongs to her parents and that title was only conveyed to her as an estate planning device. She can and should litigate that issue with the chapter 7 trustee in chapter 7. She cannot simply avoid addressing this issue by converting to chapter 13.

Moreover, debtor has not cooperated with chapter 7 trustee by appearing at continued 341(a) meeting and producing requested documents. Deny motion, or, if parties prefer, continue hearing to give parties an opportunity to negotiate buyout of estate's interest in property, which would obviate the need to convert the case.

Party Information

Debtor(s):

Maria Elena Gonzalez-Deleon

Represented By
Rhonda Walker

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CONT... Maria Elena Gonzalez-Deleon

Chapter 7

Movant(s):

Maria Elena Gonzalez-Deleon

Represented By
Rhonda Walker

Trustee(s):

Wesley H Avery (TR)

Pro Se

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2:20-11547 Gennady Moshkovich

Chapter 7

#103.00 BOBS, LLC'S Motion RE: Objection to Claim Number 8 by Claimant City National Bank

Docket 419

***** VACATED *** REASON: GRANTED. APPEARANCES WAIVED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Unsecured creditors are not generally entitled to post-petition interest in chapter 7. Grant motion. Sustain objection. Disallow claim to the extent that it includes post-petition interest. Allow as general unsecured claim for \$19,553.51. APPEARANCES WAIVED. APPLICANT IS AUTHORIZED TO UPLOAD ORDER CONSISTENT WITH TENTATIVE RULING.

Party Information

Debtor(s):

Gennady Moshkovich

Represented By
David R Haberbush

Movant(s):

BOBS LLC

Represented By
David Jacob

Trustee(s):

Heide Kurtz (TR)

Represented By
Thomas H Casey

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2:21-15007 Pacific Theatres Exhibition Corp.

Chapter 7

#104.00 Trustee's Motion For Entry Of An Order:

(A) Approving Sale Of Estates Right, Title And Interest In Liquor Licenses
(Glendale And Grove), Free And Clear Of Liens, Claims And Interests

(B) Approving Overbid Procedures

Docket 59

Courtroom Deputy:

ZoomGov Appearance by:

9/14/21 - Ralph Saltsman(310)822-9848

9/15/21 - Edward Wolkowitz (310) 229-1234

Tentative Ruling:

Grant motion. Approve overbid procedures and sale to highest bidder.

Party Information

Debtor(s):

Pacific Theatres Exhibition Corp.

Represented By
Erin N Brady

Movant(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier

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2:21-15007 Pacific Theatres Exhibition Corp.

Chapter 7

#105.00 Trustee's Motion For Entry Of An Order:

(A) Approving Sale Of Estates Right, Title And Interest In Liquor License
(Sherman Oaks), Free And Clear Of Liens, Claims And Interests

(B) Approving Overbid Procedures

Docket 63

Courtroom Deputy:

ZoomGov Appearance by:

9/15/21 - Edward Wolkowitz, 310-229-1234

Tentative Ruling:

Grant motion. Approve overbid procedures and sale to highest bidder.

Party Information

Debtor(s):

Pacific Theatres Exhibition Corp.

Represented By
Erin N Brady

Movant(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier

Trustee(s):

Edward M Wolkowitz (TR)

Represented By
Jeffrey S Kwong
Philip A Gasteier

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2:21-15214 Community Therapies

Chapter 7

#106.00 Trustee's Emergency Motion for Authorization to:

(i) Operate Debtor's Business on an Interim Basis

(ii) Employ a Field Agent

[OST]

fr. 7-21-21

Docket 72

Courtroom Deputy:

ZoomGov Appearance by:

9/9/21 - Carolyn Djang, (949)263-6586

9/15/21 - Najah Shariff, (213) 894-2534

Tentative Ruling:

At hearing held July 21, 2021, court authorized trustee to operate on an interim basis through September 24, 2021 and set continued hearing for September 15, 2021 at 11:00 a.m. (Order to this effect entered July 22, 2021.)

Trustee reports that he has received an offer for a sale of the debtor's assets; however, it appears from the declaration attached to the status report that the debtor is not currently operating due to the fact that the debtor's employees advised their clients and the NLACRC that the debtor was permanently closing its doors and failed to report to work. In light of the foregoing, does the trustee still require the relief requested in this motion? Hearing required.

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CONT... Community Therapies

Chapter 7

Debtor(s):

Community Therapies

Represented By
John D Faucher

Movant(s):

Wesley H Avery (TR)

Represented By
Caroline Djang

Trustee(s):

Wesley H Avery (TR)

Represented By
Caroline Djang

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2:19-21726 Grandview Hills LLC

Chapter 11

#107.00 Debtor's Motion To Compel Performance Of Court Approved Compromise

Docket 179

Courtroom Deputy:

ZoomGov Appearance by:

9/14/21 - Louis Esbin, (661)254-5050

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

If Tymeout appears, discuss with parties why sale of property has not closed and what remains to be done to consummate settlement. If Tymeout fails to appear, enter order compelling Tymeout to appear and order to show cause why court should not execute documents on Tymeout's behalf.

Party Information

Debtor(s):

Grandview Hills LLC

Represented By
Louis J Esbin

Movant(s):

Grandview Hills LLC

Represented By
Louis J Esbin

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2:19-21726 Grandview Hills LLC

Chapter 11

#108.00 Scheduling and Case Management Conference in a Chapter 11 Case

fr. 12-4-19, 3-4-20, 7-1-20, 10-7-20, 1-6-21, 4-7-21, 6-16-21, 8-18-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

9/14/21 - Louis Esbin, (661)254-5050

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Tentative Ruling for December 4, 2019:

Debtor owns 80 percent of the Real Property as a tenant in common with whom? Do the managing member's parents own the other 20 percent as joint tenants? And the debtor itself is 80 percent owned by George Gabriel and 20 percent owned by his father? When was the deed of trust held by Tymeout recorded in the first place? What were the proceeds of the loan used for?

Set bar date and deadline for serving notice of bar date.

12/11/19 -- Court approved order setting following dates:

L/D to serve notice of bar date -- 12/13/19

Bar date -- 1/31/20

Cont'd case status conference -- 03/04/20 at 11:00 a.m.

L/D to file updated case status report -- 02/21/20.

Tentative Ruling for March 4, 2020:

Status report was filed late (on February 27, 2020). Discuss with debtor pending litigation in state court concerning the parties' respective priorities. Set deadline for debtor to commence litigation in this court to resolve these

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Chapter 11

issues. Explore whether ordering the parties to mediation would be useful.

Hearing required.

Tentative Ruling for July 1, 2020:

What is currently happening at the property? Who is collecting rents? Are tenants paying rent? Did debtor seek and obtain any stays pending appeal? Hearing required.

NOTE: There are a number of inaccurate or misleading statements in the case status report. For example, there is no mention made of the prior in rem order for relief. Instead, the report makes it appear that the first time Tymeout obtained relief from stay was in the April 28, 2020 order, which was not the case. And the statement that the debtor, "of course" obtained a stay of the foreclosure proceedings by filing this case is inconsistent with the court's prior rulings in this matter.

Tentative Ruling for October 7, 2020:

Discuss with the parties whether to grant the debtor's request that the debtor and Tymeout be ordered to mediation. Hearing required.

10/16/20 -- Court approved order directing parties to complete a day of mediation not later than January 5, 2021 and setting the following additional dates:

Cont'd case status conference -- January 6, 2021 at 11:00

L/D to file updated case status report -- December 27, 2020

L/D to lodge order appointing mediators -- October 26, 2020. (If Tymeout fails to cooperate in selection of mediator, debtor may file declaration to this effect and lodge unilateral order appointing mediators of its choosing. If Tymeout fails to participate in mediation, debtor should file declaration to this effect and court will issue an order to show cause why Tymeout should not be held in contempt.)

11/13/20 -- Court approved order appointing mediators.

Tentative Ruling for January 6, 2021:

Court has not approved a settlement agreement, so it is not in a position to issue an

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Grandview Hills LLC

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order to show cause why someone should, or should not, be held in breach of that agreement. The debtor is a party to the proposed agreement. Does it intend to seek court approval of the agreement? If not, why not? Hearing required.

Tentative Ruling for April 7, 2021:

At debtor's request, continue case status conference to June 16, 2021 at 11:00 a.m. to give escrow an opportunity to close and debtor an opportunity to request dismissal of this case. APPEARANCES WAIVED ON APRIL 7, 2021.

(NOTE: Court signed order granting motion for approval of global compromise on April 2, 2021.)

Tentative Ruling for June 16, 2021:

Case needs to be dismissed, but not until escrow has closed. At debtor's request, continue status conference to August 18, 2021 at 10:00 a.m. to give escrow an opportunity to close. Debtor should file updated status report not later than August 6, 2021. APPEARANCES WAIVED ON JUNE 16, 2021.

Tentative Ruling for August 18, 2021:

Case needs to be dismissed, but not until escrow has closed. At debtor's request, continue status conference to October 27, 2021 at 11:00 a.m. to give escrow an opportunity to close. Debtor should file updated status report not later than October 13, 2021. APPEARANCES WAIVED ON AUGUST 18, 2021; however, if debtor would prefer that court issue OSC why parties have not performed and set a hearing on the OSC for October 27, 2021 at 11:00 a.m. instead, counsel may appear and request such relief.

Final Ruling for August 18, 2021:

Continue hearing to September 15, 2021 at 10:00 a.m. (later moved to 11:00 a.m.) Debtor will file and serve motion to compel by August 25, 2021 and set it for hearing on September 15, 2021 at 10:00 a.m. (later moved to 11:00 a.m.) Requirement of updated status report waived.

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CONT... Grandview Hills LLC

Chapter 11

Tentative Ruling for September 15, 2021:

Revisit status of case after conclusion of related matter on calendar.

Party Information

Debtor(s):

Grandview Hills LLC

Represented By
Louis J Esbin

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2:20-11846 Deco Enterprises, Inc.

Chapter 11

#109.00 Debtor's Motion For Order Authorizing Debtor And Debtor In Possession To File May And June Monthly Operating Reports Under Seal Or, In The Alternative, Seal Portions Of The Monthly Operating Reports

Docket 401

Courtroom Deputy:

ZoomGov Appearance by:

9/13/21 - Bruce Landau, (310)838-1507

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Debtor was obligated to file May and June MORs. It does not appear from the motion that there is any material contained within these reports that constitutes the kind of information that may or must be sealed pursuant to Bankruptcy Code section 107(b). Court recognizes that it is unfortunate that inside.lighting is writing damaging articles using publically available information and that, according to the reorganized debtor, inside.lighting is working in conjunction with Pouladian, but that does not constitute a basis for sealing information that should otherwise be a matter of public record.

Deny motion.

Party Information

Debtor(s):

Deco Enterprises, Inc.

Represented By
Raymond H. Aver

Movant(s):

Deco Enterprises, Inc.

Represented By
Raymond H. Aver
Raymond H. Aver

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2:20-11846 Deco Enterprises, Inc.

Chapter 11

#110.00 U.S. Trustee's Motion under 11 USC Section 1112(b)(1) to Dismiss, Convert or Appoint a Chapter 11 Trustee

FR. 9-2-21

Docket 395

Courtroom Deputy:

ZoomGov Appearance by:

9/13/21 - Bruce Landau, (310)838-1507

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

8/23/21 -- Court approved stipulation continuing hearing to September 15, 2021 at 11:00 a.m. OFF CALENDAR FOR SEPTEMBER 2, 2021.

Tentative Ruling for September 15, 2021:

Debtor has now paid 2nd quarter's fees. Deny motion conditioned on debtor's filing MORs for May and June.

(Court is still not receiving its service copies. Proof of service reflects judge on service list and that service copies were left in drop box, but this does not seem to be occurring. What is the issue?)

Party Information

Debtor(s):

Deco Enterprises, Inc.

Represented By
Raymond H. Aver

Movant(s):

United States Trustee (LA)

Represented By
Eryk R Escobar

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2:21-11188 Glenroy Coachella, LLC

Chapter 11

#111.00 U.S. Real Estate Credit Holdings, III-A, LP's Motion For Determination Of The Value Of The Alleged Secured Claim Of Mechanics Lien Claimants And For The Expungement Of Mechanics Liens

Docket 399

Courtroom Deputy:

ZoomGov Appearance by:

9/10/21- Marsha Houston, (213)457-8000

9/10/21- Christopher Rivas, (213)457-8000

9/13/21 - Ed Hays, (949)413-7223

Tentative Ruling:

Grant motion. Enter order declaring identified mechanics' liens to be unenforceable in light of the fact that lawsuits to foreclose the liens were not filed within 90 days of the recordation of the liens.

Party Information

Debtor(s):

Glenroy Coachella, LLC

Represented By
Daniel J Weintraub
Crystle Jane Lindsey
James R Selth

Movant(s):

U.S. Real Estate Credit Holdings III-

Represented By
Marsha A Houston
Christopher O Rivas

Trustee(s):

Richard A Marshack (TR)

Represented By

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Chapter 11

Chad V Haes
D Edward Hays

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2:21-11716 Raymond Madjidian Tash

Chapter 11

#112.00 U.S. Trustee's Motion to Further Extend Deadline to Object to Debtor's Claimed Exemptions for the U.S. Trustee and Subchapter V Trustee Only

Docket 123

***** VACATED *** REASON: GRANTED. APPEARANCES WAIVED**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant motion. Waive appearances. Movant is authorized to upload order consistent with tentative ruling.

Party Information

Debtor(s):

Raymond Madjidian Tash

Represented By
Summer M Shaw
Yuriko M Shikai

Movant(s):

United States Trustee (LA)

Represented By
Eryk R Escobar

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:21-14449 Alex A. Khadavi

Chapter 11

#113.00 Debtor's Motion to Extend Exclusivity Period for Filing a Chapter 11 Plan and Disclosure Statement

Docket 75

***** VACATED *** REASON: GRANTED. APPEARANCES WAIVED**

Courtroom Deputy:

ZoomGov Appearance by:

9/9/21 - Michael Berger, (310)271-6223

Tentative Ruling:

Grant motion. Waive appearances. Movant is authorized to upload order consistent with tentative ruling.

Party Information

Debtor(s):

Alex A. Khadavi

Represented By
Michael Jay Berger

Movant(s):

Alex A. Khadavi

Represented By
Michael Jay Berger
Michael Jay Berger
Michael Jay Berger

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2:21-15342 Vitaly Ivanovich Smagin

Chapter 15

#114.00 Status Conference re: **The RICO Action** pursuant to the Order Granting Relief in Aid of a Foreign Main Proceeding Pursuant to 11 USC Section 1521 Entered on August 13, 2021

Docket 84

Courtroom Deputy:

ZoomGov Appearance by:

9/10/21 - Hamid Rafatjoo, (310)371-7589

9/10/21 - Carollynn H.G. Callari (908)240-3964

9/10/21 - David Forsh, (917)282-0203

9/13/21 - Mark Bloom

9/13/21 - Nicholas Kennedy

9/13/21 - Reginald Sainvil

Tentative Ruling:

Court has reviewed status report from independent third party. Select dates for upcoming status conferences and discuss procedures with interested parties. Hearing required.

Party Information

Debtor(s):

Vitaly Ivanovich Smagin

Represented By
Hamid R Rafatjoo
Nicholas O Kennedy
Thomas Tysowsky

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2:21-15342 Vitaly Ivanovich Smagin

Chapter 15

#115.00 Status Conference re: **The Enforcement Action or Fraudulent Conveyance Action** pursuant to the Order Granting Relief in Aid of a Foreign Main Proceeding Pursuant to 11 USC Section 1521 Entered on August 13, 2021

Docket 84

Courtroom Deputy:

ZoomGov Appearance by:

9/13/21 - Mark Bloom

9/13/21 - Nicholas Kennedy

9/13/21 - Reginald Sainvil

Tentative Ruling:

Court has reviewed status report from Foreign Representative. Select dates for upcoming status conferences and discuss procedures with interested parties. Hearing required.

Party Information

Debtor(s):

Vitaly Ivanovich Smagin

Represented By
Hamid R Rafatjoo
Nicholas O Kennedy
Thomas Tysowsky

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2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#116.00 Debtor's First Day Emergency Motion for Order Authorizing Debtor to Maintain Existing Bank Accounts, Approving Continuance of its Cash Management System, and Maintaining Existing Business Forms

Docket 7

Courtroom Deputy:

ZoomGov Appearance by:

9/14/21 - Bruce Bennett, (213)243-2508

9/14/21 - Josh Mester, (213)243-2508

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

What is the US Trustee's position with regard to the relief requested by the motion?

With regard to request that lockbox account remain open, has debtor confirmed with CB&T that it is possible to "convert" the account into a debtor in possession account?

With regard to request that debtor continue to use documents and forms that do not say "debtor in possession," debtor can obtain one or more stamps that contain this language and stamp all of its forms. Moreover, to the extent that letterhead and/or any other documents are computer-generated, modifications can be made to the templates to add the words, "debtor in possession." With regard to the request to be permitted to continue to use existing preprinted checks, debtor should not be using existing check stock. Once funds are deposited into lockbox account, they should be transferred to a new DIP account for which there should be new checks that bear the words, "Debtor in possession."

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CONT... Buckingham Heights Business Park (a California Lim

Chapter 11

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter

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2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

#117.00 Debtor's First Day Emergency Motion for Order Determining Adequate Assurance of Payment of Utility Services

Docket 8

Courtroom Deputy:

ZoomGov Appearance by:

9/14/21 - Bruce Bennett, (213)243-2508

9/14/21 - Josh Mester, (213)243-2508

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Grant in part and deny in part. Court will set a date for a continued hearing now. Debtor should serve notice of the motion and the continued hearing date on utilities by a date set by the Court. Along with that motion should be a notice setting forth the deposits that the debtor intends to make with regard to each utility or a clear statement that the debtor does not intend to make a deposit and nevertheless believes that the utility has adequate assurance. Notice should be accompanied by payment of the actual deposits themselves. Utilities that do not object by a date certain will be deemed to have agreed to the adequate assurance that the debtor has proposed. If a utility does object, it should be required to specify in writing what it believes the debtor should be required to do in order to provide it with adequate assurance. If the parties are unable to resolve the issue consensually, the debtor should file the utility's request and its response by a date certain. Utility should have an opportunity to file a brief on this issue and the Court will resolve the question at the continued hearing. Utility will be precluded from terminating service until the resolution of the dispute.

Why has the debtor proposed to make a deposit equal to 14 days' usage rather than a month's usage? Do any of these utilities bill more often than once per month?
Hearing required.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, September 15, 2021

Hearing Room 1539

11:00 AM

**CONT... Buckingham Heights Business Park (a California Lim
Debtor(s):**

Chapter 11

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, September 15, 2021

Hearing Room 1539

11:00 AM

2:21-17060 Buckingham Heights Business Park (a California Lim

Chapter 11

**#118.00 Debtor's First Day Emergency Motion for Order Limiting Service of Notice of
Certain Matters**

Docket 9

Courtroom Deputy:

ZoomGov Appearance by:

9/14/21 - Bruce Bennett, (213)243-2508

9/14/21 - Josh Mester, (213)243-2508

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Does debtor have any secured creditors? If so, provided service was adequate, grant motion with the caveat that secured creditors be added to the list of parties to be served. Include in order granting motion provisions requiring debtor to serve notice on all creditors advising them that notice has been limited and explaining that, if they want to continue receiving copies of everything filed in the case, they will need to request courtesy notices/special notice.

Party Information

Debtor(s):

Buckingham Heights Business Park

Represented By
Jeannie Kim
Michael M Lauter

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, September 15, 2021

Hearing Room 1539

2:00 PM

2:21-12755 Hilmore LLC

Chapter 11

#200.00 Debtor's Disclosure Statement describing Debtor's Chapter 11 Plan of Reorganization dated August 3, 2021

Docket 44

Courtroom Deputy:

ZoomGov Appearance by:

9/9/21 - Crystle Lindsey, (310)207-1494

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Court has a number of questions and concerns with regard to the plan and the disclosure statement, in no particular order:

1. Why are insider claims being paid a 3 % distribution (\$1,500) before general noninsider unsecured creditors are paid anything? Noninsider unsecureds are only owed \$9,834.58. Why can't these be paid in full on the effective date from cash on hand? Is it good faith for them to be paid over a period of one year when the insiders receive a distribution and the debtor receives a discharge sooner?
2. There is no discussion of executory contracts in the disclosure statement and the plan simply says there aren't any. Nowhere does the disclosure statement discuss what the debtor is actually doing with the property or what the property is. It is a single family home, but is it occupied by anyone? If so, who and why isn't there a lease with that person? There is no discussion of whether there are, or have ever been, or will ever be, any operations or any operating revenues. The debtor talks about the insiders "managing" the property, but what exactly do they do?
3. The feasibility section of the disclosure statement is meaningless and contains no information whatsoever. There is no information in the disclosure statement from which the court can make a feasibility finding. The only

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, September 15, 2021

Hearing Room 1539

2:00 PM

CONT... Hilmore LLC

Chapter 11

sources of cash for this debtor to make payments are the return of the \$300,000 from the overseas affiliate and the capital contributions from the insiders, but there is no information in the disclosure statement from which the court can assess whether or not the insiders have the ability to make these capital contributions and is there even any obligation on their part to make these contributions? Clearly, they have an incentive to avoid losing the property, but do they have a legal obligation?

4. The bottomline is that this plan and disclosure statement says basically nothing about what the debtor is doing and where its money will come from. The plan proponent needs to be more forthcoming for the court to be able to find that the plan has been proposed in good faith.

Party Information

Debtor(s):

Hilmore LLC

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, September 15, 2021

Hearing Room 1539

2:00 PM

2:21-12755 Hilmore LLC

Chapter 11

#201.00 Scheduling and Case Management Conference in Chapter 11 Case

fr. 5-26-21, 8-18-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

9/9/21 - Crystle Lindsey, (310)207-1494

9/14/21 - Eryk Escobar, (202)934-4168

Tentative Ruling:

Tentative Ruling for May 26, 2021:

Does the debtor contemplate proposing and confirming a plan that pays all creditors in full? If not, what are the debtor's intentions with regard to recovery of the fraudulent transfer of \$300,000 to OFD and how can the debtor justify not attempting to generate revenue by renting the property to a paying tenant? Hearing required.

Final Ruling for May 26, 2021:

Debtor anticipates proposing 100 percent plan. Continue status conference to August 18, 2021 at 11:00 a.m. Debtor should file updated status report by August 6, 2021.

Tentative Ruling for August 18, 2021:

Continue case status conference to September 15, 2021 at 2:00 p.m. to be heard concurrently with debtor's disclosure statement. (No new status report will be required.) APPEARANCES WAIVED ON AUGUST 18, 2021.

Tentative Ruling for September 15, 2021:

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Wednesday, September 15, 2021

Hearing Room 1539

2:00 PM

CONT... Hilmore LLC

Chapter 11

Revisit status of case after conclusion of hearing on disclosure statement.

Party Information

Debtor(s):

Hilmore LLC

Represented By
Crystle Jane Lindsey
Daniel J Weintraub
James R Selth